

No.

200600188



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Ball Horticultural Company

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE WHEREOF IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LOBELIA, ANNUAL

'Lilac Splash'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-second day of January, in the year two thousand and nine.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER PanAmerican Seed, a division of Ball Horticultural Co. Company		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME	3. VARIETY NAME 'Lilac Splash'
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 622 Town Road West Chicago, IL 60185 USA		5. TELEPHONE (include area code) (630) 231-3600	FOR OFFICIAL USE ONLY PVPO NUMBER 200600 188 FILING DATE April 18, 2006
		6. FAX (include area code) (630) 231-2590	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation (Ball Horticultural)	8. IF INCORPORATED, GIVE STATE OF INCORPORATION IL	9. DATE OF INCORPORATION July 27, 1995	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Audrey Charles 622 Town Road West Chicago, IL 60185 USA			FILING AND EXAMINATION FEES: \$ 4382.00 DATE 4/18/06 CERTIFICATION FEE: \$ 768.00 DATE 10/21/08
11. TELEPHONE (include area code) (630) 588-3118	12. FAX (include area code) (630) 231-2590	13. E-MAIL acharles@ballhelix.com	
14. CROP KIND (Common Name) lobelia	16. FAMILY NAME (Botanical) Lobeliaceae	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Lobelia erinus	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)			

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER Audrey Charles		SIGNATURE OF OWNER	
NAME (Please print or type) Audrey Charles		NAME (Please print or type)	
CAPACITY OR TITLE Patent Agent	DATE 4/17/06	CAPACITY OR TITLE	DATE

(See reverse for instructions and information collection burden statement)

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office
Telephone: (301) 504-5518 **FAX:** (301) 504-5291
General E-mail: PVP@mail.usda.gov
Homepage: <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870.
<http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 (2) the details of subsequent stages of selection and multiplication;
 (3) evidence of uniformity and stability; and
 (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
 (1) Identify these varieties and state all differences objectively;
 (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Sale 4/29/05 to M & B Flora in Japan

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Exhibit A:*Origin and Breeding History of the Variety 'Lilac Splash'*

In 1988, *Lobelia erinus* varieties Regatta™ White and Regatta™ Lilac were crossed using Regatta™ White as the female parent. Plants from the cross were grown in the greenhouse, and in 1989 selections were made for flower color of a white and lilac bicolor and plant habit. Three to four selections were made yearly and crossed using the technique of massing for a total of four times until 1993. In 1993, one selection identified as 93-3A-135-2 was used as the female parent in a cross with selection 93-3A-124-(1.7). Selection 93-3A-124-(1.7) was later marketed as Regatta™ Blue Splash. From this cross, one selection was made, and in 1995 it was backcrossed to Regatta™ Blue Splash. From 1996 to 2000, selections for the white and lilac bicolor flower color and plant habit were made followed by massing a total of four times to increase uniformity. In 2000, a plant identified as 00-273 was selected for introduction. The selection has been trialed and stability of the characteristics was confirmed. Selection 00-273 was later named 'Lilac Splash'.

The variety 'Lilac Splash' has been observed for at least four generations of increase and is stable and uniform. Variants for flower color occur at a frequency of about 1% and include a smaller eye or a different shade of the primary color. Variants for habit occur at a frequency of about 1% and include an open-type habit having long internodes or a non-trailing habit. These variants are commercially acceptable and predictable.

EXHIBIT B*Statement of Distinctness of the Variety*

Lobelia 'Lilac Splash' is one of the Regatta™ series marketed for earliness to flower and cascading habit. 'Lilac Splash' has a flower color that is distinct from other varieties in the series. Varieties most closely resembling 'Lilac Splash' are 'Blue Splash' and Riviera Series Lilac.

To evaluate flower color, 15 plants of each variety were greenhouse grown in 4 ½-inch pots. Two greenhouse trials were conducted at two different locations in the winter 2005 - 2006. Plants were grown at the PanAmerican Seed facility located in Elburn, IL and at the PanAmerican Seed facility located in Santa Paula, CA. The RHS Colour Chart was used for color descriptions. The following values were found at both locations:

'Lilac Splash':

Two upper petals: Purer white than (RHS White155D) with a central vein of light plum (RHS Violet 86C).

Lower three petals: Purer white than (RHS White155D) with light plum (RHS Violet 86C) at the apex of the central vein and a central spot of plum (RHS Violet 86A to 86B) at base.

Outer surface of upper side of tube: Background of purer white (RHS White155D) with streaks of bright lilac (RHS Purple-Violet N82A and N82B).

Comparisons**'Blue Splash':**

Two upper petals: Light indigo blue (RHS Violet-Blue 95B) at apex fading through lighter shade of blue (RHS Violet-Blue 95C to 95D) at base.

Lower three petals: Purer white than (RHS White155B) with blue (RHS Violet-Blue 95C) at the apex of the central vein and a central spot of light indigo blue (RHS Violet-Blue 95B) at base.

Outer surface of upper side of tube: Background of light blue (RHS Violet-Blue 95D) with streaks of blue (RHS Violet-Blue 95C).

Riviera™ Lilac:

Two upper petals: Light lavender (RHS Violet 84D to 84C) with central vein of light plum (RHS Violet 86C).

Lower three petals: Light lavender (RHS Violet 84D to 84C) with a central vein of light plum (RHS Violet 86C) and a central streak of plum (RHS Violet 86A) at base.

Outer surface of upper side of tube: Light lavender (RHS Violet 84D).



Lobelia 'Lilac Splash'



Comparison Lobelia 'Blue Splash' Flower Color



Comparison Lobelia Riviera™ Lilac Flower Color

FORM DEVELOPED
(10-95)

EXHIBIT C
(Lobelia)

United States Department of Agriculture, Agricultural Marketing Service
Science and Technology Division, Plant Variety Protection Office
National Agricultural Library Building, Room 500
Beltsville MD 20705

OBJECTIVE DESCRIPTION OF VARIETY
LOBELIA (*Lobelia* spp.)

Name of Applicant(s)
PanAmerican Seed, a division of Ball Horticultural Company

Temporary Designation

Variety Name
'Lilac Splash'

Address (Street & No., or R.F.D. No., City, State, Zip Code and Country)
622 Town Road
West Chicago, IL 60185

FOR OFFICIAL USE ONLY

PVPO Number

200600188

Place the appropriate number that describes the varietal characters typical of this variety in the spaces below. Right justify whole numbers by adding leading zeros if necessary. The variety that you choose for comparison should be the most similar one in terms of background and maturity. The comparison variety used should be grown in field trials with the application variety for 2-3 location/years (environments) in the region and season of best adaptability. At least one year of trials should be conducted within the United States of America. In general, measurements of quantitative traits should be taken on 15-25 randomly selected plants or plant parts to obtain averages and statistics that describe a typical field of the variety. Designate test location(s):

1. OVERALL PLANT HABIT (at flowering stage):

Data Collection Site: PanAmerican Seed Company Elburn IL

Comparison Variety Name: Regatta™ 'Blue Splash'

1 Species: 1=erinus 2=cardinalis 3=siphilitica 4=Other
2 Subspecies/Forma: 1=compacta 2=pendula 3=Other
2 Ploidy: 1=Haploid 2=Diploid 3=Triploid 4=Tetraploid
1 Life Cycle: 1=Annual 2=Biennial 3=Perennial
1 Type: 1=Hanging basket type 2=Bedding type 3=Other
2 Growth Form: 1=Upright 2=Semi-prostrate 3=Prostrate
2 Flowering Season: 1=Very Early 2=Early 3=Mid Season 4=Late 5=Continuous
6 3 Days from Planting to First Flowering
9 0 to 1 0 0 Length of Flowering Season in Days
1 1 3 cm Plant Height at Maturity
2 4 6 cm Plant Width at Maturity
4 Plant Height Class: 1=Extra Dwarf 2=Dwarf 3=Semi-dwarf 4=Tall
3 Plant Width Class: 1=Compact 2=Semi-compact 3=Spreading

1 Species
2 Subspecies/forma
2 Ploidy
1 Life Cycle
1 Type
2 Growth Form
2 Flowering Season
6 3 Days to First Flowering
9 0 to 1 0 0 Days - Flowering Season Length
1 1 0 cm Plant Height
2 7 8 cm Plant Width
4 Plant Height Class
3 Plant Width Class

2. FOLIAGE: (Mature Leaves)

2 Main Stalk Anthocyanin: 1=Absent 2=Mild 3=Strong
2 Leaf Margin: 1=Entire 2=Serrate 3=Other
2 Leaf Shape: 1=Lanceolate 2=Elliptic 3=Obovate 4=Ovate
1 1 4 mm Leaf Width
3 9 4 mm Leaf Length
2 Color: 1=Light Green 2=Medium Green 3=Dark Green 4=Bronze 5=Red
6=Other (describe)
2 Pubescence: 1=Absent 2=Light 3=Heavy
1 Glandular Stickiness: 1=Absent 2=Present
1 Luster: 1=Dull 2=Shiny

2 Main Stalk Anthocyanin
2 Leaf Margin
2 Leaf Shape
1 2 0 mm Leaf Width
4 5 4 mm Leaf Length
2 Leaf Color
2 Pubescence
1 Glandular Stickiness
1 Luster

Application Variety Data

Comparison Variety Data

Application Variety Data				Page 2				Comparison Variety Data			
3. FLOWER CYME/SPIKE: <u>4</u> Shape : 1=Flat 2=Dome 3=Pyramid 4=Spike <u>26</u> Number cymes/spikes per plant <u>2.5</u> Number florets per cyme/spike <u>1</u> Pedicel Anthocyanin : 1=Absent 2=Mild 3=Strong								<u>4</u> Cyme Shape <u>24</u> Number cymes per plant <u>2.8</u> Number florets per cyme <u>1</u> Pedicel anthocyanin			
4. FLORET: <u>1</u> <u>6</u> <u>7</u> mm Floret Diameter <u> </u> <u> </u> <u> </u> mm Eye Diameter <u> </u> <u>9</u> <u>0</u> mm Petal Length (3 Lower) <u> </u> <u>7</u> <u>0</u> mm Petal Width (3 Lower) <u> </u> <u>7</u> <u>0</u> mm Petal Length (2 Upper) <u> </u> <u>1</u> <u>0</u> mm Petal Width (2 Upper) <u>1</u> Floret spacing on Spike: 1=Loose 2=Moderate 3=Compact (overlapping) <u>1</u> Floret Doubleness : 1=Single 2=Semi-double 3=Double <u>3</u> Floret Shape : 1=Round 2=Star 3=Irregular 4=Other <u>1</u> Color Pattern : 1=Without Eye 2=With Eye <u>2</u> Petal Colors : 1=Single 2=Bicolor 3=Tricolor								<u>1</u> <u>7</u> <u>2</u> mm Floret Diameter <u> </u> <u> </u> <u> </u> mm Eye Diameter <u> </u> <u>1</u> <u>0</u> <u>0</u> mm Petal Length (3 Lower) <u> </u> <u>8</u> <u>0</u> mm Petal Width (3 Lower) <u> </u> <u>6</u> <u>0</u> mm Petal Length (2 Upper) <u> </u> <u>2</u> <u>0</u> mm Petal Width (2 Upper) <u>1</u> Floret Spacing <u>1</u> Floret Doubleness <u>3</u> Floret Shape <u>1</u> Color Pattern <u>2</u> Petal Colors			
		Color Verbal Name	Chart Code	Color Chart Name			Color Name	Chart Code	Chart Name		
EXAMPLE		Light Blue	106C	RHS							
Main Petal Color		White	Purer white than 155D	RHS	Main Petal		White	Purer white than 155B	RHS		
Secondary Petal Color		Plum	86C at the apex of the central vein and a central spot of 86A to 86B at base	RHS	Secondary Petal		Blue	95C at the apex of the central vein and a central spot of 95B at base	RHS		
Eye Color		--	--	--	Eye		--	--	--		
Other Color (describe location or placement)		White with bright lilac streaks	Outer surface of upper side of tube: Background of purer white 155D with streaks of N82A and N82B	RHS	Other		Light blue with darker blue streaks	Outer surface of upper side of tube: Background of 95D with streaks of 95C	RHS		
Note: Common Color Charts: RHS=Royal Horticultural Society Colour Chart Munsell=Munsell Book of Color											
5. SEEDS (Measure mature (dry) seeds): <u>3</u> Seed Set : 1=None 2=Poor 3=Fair 4=Good 5=Excellent <u>3</u> Seed Coat Color: 1=White 2=Tan 3=Brown 4=Black 5=Other <u> </u> <u>2</u> <u>5</u> <u>3</u> mg Weight per 1000 Seeds								<u>3</u> Seed Set <u>3</u> Seed Coat Color <u> </u> <u>2</u> <u>5</u> <u>0</u> mg Seed Weight			
6. RESISTANCE: Test as many disease and insect reactions as possible before applying for protection. Tests for disease and insect reactions should include a resistant check and a susceptible check for each disease or insect being tested. When using disease resistance to describe novelty, information on these checks should be included in the novelty statement in support of the novelty claim. Rate the application variety and the comparison variety on a scale of 1 (most susceptible) to 9 (most resistant) for each disease or insect reaction being reported. Give the scientific and common names of each disease/insect for completeness, and the race or strain, if known. (Rate from 1 (most susceptible) to 9 (most resistant)):											
Rating Disease/Insect Name (give race or strain, if known)					Rating Disease/Insect Name						
Application Variety Data					Comparison Variety Data						
7. On a separate page, attach ONE photographic print of the application variety and the comparison variety described above, indicating the identity of each variety. This photograph should show flower heads of each variety at a magnification sufficient to identify most of the verbal descriptors given above. (Additional photographs in support of this application may be supplied as part of the Exhibits B or D.)											

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Ball Horticultural Company	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME 'Lilac Splash'
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 622 Town Road West Chicago, IL 60185 USA	5. TELEPHONE (Include area code) (630) 588-3118	6. FAX (Include area code) (630) 562-7671
7. PVPO NUMBER 200600188		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The breeding of Lobelia variety 'Lilac Splash' was conducted in Guadalupe, California at a Ball Horticultural Company facility. Other than greenhouse technical staff, the breeder, Paul Talmadge, worked alone to develop this variety. He was an employee of Ball Horticultural Company when the variety was developed. By agreement between the employee and Ball Horticultural Company, all rights and ownership to the variety resides with Ball Horticultural Company.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

**EXHIBIT F
DECLARATION REGARDING DEPOSIT**

NAME OF OWNER (S) Pan American Seed , a division of Ball Horticultural Company	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 622 Town Road West Chicago, IL 60185 USA	TEMPORARY OR EXPERIMENTAL DESIGNATION VARIETY NAME 'Lilac Splash'
NAME OF OWNER REPRESENTATIVE (S) Audrey Charles	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 622 Town Road West Chicago, IL 60185 USA	FOR OFFICIAL USE ONLY PVPO NUMBER 200600 188

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Audrey Charles
Signature

4/17/02
Date